

method step. Conventionally, method steps in claims start with a present participle." Applicants' are unaware of any statute, rule, provision of the MPEP or a court case that requires method steps in claims to start with a present participle. As long as the steps of the method are clearly set forth in the claim, the claim complies with 35 USC 112. However, even if the examiner's statement were true, the steps in claim 1 do start with a present participle. For example, claim 1, line 4, states "phase coding..." and claim 1, line 6, states "phase decoding...". Therefore, this rejection is improper and should be withdrawn.

With respect to the rejection of claims 1 - 6 based on the use of the terms "overlaid signals" and "overlaid echoes" being indefinite and unclear in context, claims 1 and 3 have been amended to remove the term "overlaid" in line 2 of claim 1, line 8 of claim 1 and line 2 of claim 3. The objectionable terms do not appear in any of the other claims referred to by the examiner.

With respect to the rejection of claim 1 based on the use of the term "special code" in line 4, this term is "broad" however, it is not unclear. However, in order to facilitate the prosecution of the application, this term has been replaced by "Chu's code" which is defined on pages 9 - 12 of the Specification.

With respect to the rejection of claims 3 and 4, based on the use of the terms “stronger” and “weaker”, this rejection is respectfully traversed. In claim 3, lines 11 - 14, the term “stronger” is clearly defined. Claim 3, lines 11 - 14, states,

“compute the ratio of estimated widths of the widths of said first and second trip echoes,
if said ratio is less than unity, said first trip echo is stronger than said second trip echo”.

Therefore, the term “stronger” clearly refers to the ratio of the widths of the first and second trip echos, and is not indefinite. Although the term “weaker” is not defined in the claim, it is clear if the ratio is greater than unity, the echo is “weaker”.

With respect to the rejection of claim 3 because there is no antecedent basis for “the stronger to weaker trip echo” in line 25, the “stronger trip echo” has antecedent basis in line 21 of claim 3, and the “weaker trip echo” has antecedent basis in line 24 of claim 3.

With respect to the rejection of claim 3 because there is no antecedent basis for “the corrected mean power” in line 28, the “corrected mean power” has antecedent basis in lines 26 and 27 of claim 3.

With respect to the rejection of claim 3 because there is no antecedent basis for “the cohered weaker trip echo” in line 30, the

“cohered weaker trip echo” has antecedent basis in line 29 of claim 3. Therefore, these rejections are improper and should be withdrawn.

With respect to the rejection of claims 3 and 4 because certain method steps use different forms of the verb (e.g. “transmitting...” and “filter...”), but other method steps start with noncausative verbs (e.g., “cohere...”), this rejection is respectfully traversed. Applicants’ are unaware of any statute, rule, provision of the MPEP or a court case that requires method steps in claims to start with a present participle. As long as the steps of the method are clearly set forth in the claim, the claim complies with 35 USC 112. Since the examiner has identified the method steps in claims 3 and 4 without any apparent difficulty (e.g. “transmitting...” and “filter...”) and (e.g., “cohere...”), the method steps in these claims appear to be clearly set forth in the claims, and therefore, the claims comply with 35 USC 112. This rejection appears to be a rejection of arbitrary form and not a rejection of substance. Therefore, the rejection is improper and should be withdrawn.

With respect to the rejection of claim 5 because it lacks antecedent basis for “said signal samples” in line 6, there is antecedent basis in claim 5, lines 2 and 3 , for this term.

With respect to the rejection of claim 6 because it lacks antecedent

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basis for "said magnitude domain deconvolution" in line 7, there is antecedent basis in claim 6, line 6, for this term.

From the above mentioned remarks and amendments, the Examiner's rejections and objections are thought to be overcome. Accordingly, since no art rejection was made by the examiner, this application is believed to be in condition for allowance. Therefore an early notice to this effect is respectfully requested.

Respectfully submitted,
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